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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/539,984	06/19/2005	Albertus J. N. Van Breemen	NL021474	6378
	7590 06/05/200 LLECTUAL PROPER	EXAMINER		
P.O. BOX 3001		DENNISON, JERRY B		
BRIARCLIFF MANOR, NY 10510			ART UNIT	PAPER NUMBER
		2443		
			MAIL DATE	DELIVERY MODE
			06/05/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)		
10/539,984	VAN BREEMEN, ALBERTUS J. N.		
Examiner	Art Unit		
J Bret Dennison	2443		

The MAIL/MO DATE of this communication appears on the cover shed with the correspondence address THE REPLY FELED 11_ins 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALL OWANCE.  1. ■ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal to avoid abandorment of this application, a galaxianism timely file one of the following pries; (1) an are integrants, affiduar, to other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:		O Bret Berningen	
1. ☑ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandomment of this application, applicant must timely file one of the following replies: (1) an amendment, affidaty, or other evidence, wich places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:  □ The period for reply expires	The MAILING DATE of this communication appe	ars on the cover sheet with the	correspondence address
application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:  a) The period for reply expires om: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expires as SIX MONTHS from the mailing date of the final rejection.  Examiner Note: If Box 1 is checked, check either box (a) or (6), ONLY CHECK BOX (b) WHEN THE EIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL RELECTION. See MPEP 706.07(f).  Extensions of time may be obtained under 37 CFR 1.138(a). The date on which the petition under 37 CFR 1.138(a) and the appropriate extension fee have been fitted is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been fitted is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been fitted is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been fitted is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension feel as et forth in (1) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if funding the feel within two months of the final rejection, even if funding the feel within two months of the final rejection, even if funding the feel within two months of the date of filing the Notice of Appeal and seen filed, any reply must be filed within the time period set forth in 37 CFR 41.37(e), by avoid dismissal of the appeal. Since a Notice of Appeal with	THE REPLY FILED <u>01 June 2009</u> FAILS TO PLACE THIS APF	PLICATION IN CONDITION FOR A	ALLOWANCE.
b)	application, applicant must timely file one of the following application in condition for allowance; (2) a Notice of Appe for Continued Examination (RCE) in compliance with 37 C	replies: (1) an amendment, affidav eal (with appeal fee) in compliance	it, or other evidence, which places the with 37 CFR 41.31; or (3) a Request
no event, however, will the statutory period for roply expire later than SIX MONTHS from the mailing date of the final rejection.  Exeminer Note: If the x1 is checked, check either box (a) or (b), ONLY CHECK BOX (b) WHEN THE FIRST REFLY WAS FILLED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).  Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for furning and the proposed amend plant term adjustment. See 37 CFR 1.704(b).  NOTICE OF APPEAL  2. The Notice of Appeal was filed on	a) The period for reply expiresmonths from the mailing	date of the final rejection.	
Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).  NOTICE OF APPEAL.  2. The Notice of Appeal was filed on	no event, however, will the statutory period for reply expire to Examiner Note: If box 1 is checked, check either box (a) or (	ater than SIX MONTHS from the mailin b). ONLY CHECK BOX (b) WHEN THI	g date of the final rejection.
<ul> <li>2.</li></ul>	Extensions of time may be obtained under 37 CFR 1.136(a). The date have been filed is the date for purposes of determining the period of extunder 37 CFR 1.17(a) is calculated from: (1) the expiration date of the set forth in (b) above, if checked. Any reply received by the Office later may reduce any earned patent term adjustment. See 37 CFR 1.704(b).	on which the petition under 37 CFR 1. ension and the corresponding amount chortened statutory period for reply origon than three months after the mailing da	of the fee. The appropriate extension fee jinally set in the final Office action; or (2) as
filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).  AMENDMENTS  3.  The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  (a)  They raise new issues that would require further consideration and/or search (see NOTE below);  (b)  They raise the issue of new matter (see NOTE below);  (c)  They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  (d)  They present additional claims without canceling a corresponding number of finally rejected claims.  NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).  4.  The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  5.  Applicant's reply has overcome the following rejection(s):  See attached Notice of Non-Compliant Amendment (PTOL-324).  6.  Newly proposed or amended claim(s)  would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  7.  For purposes of appeal, the proposed amendment(s): a) will not be entered, or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  The status of the claim(s) is (or will be) as follows:  Claim(s) allowed:  Claim(s) allowed:  Claim(s) withdrawn from consideration:  Claim(s) objected to:  Claim(s) withdrawn from consideration:  Claim(s) withdrawn from consideration:  See 37 CFR 1.116(e).  8.  The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because the affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing o		liance with 37 CFR 41.37 must be	filed within two months of the date of
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<ul> <li>Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).</li> <li>For purposes of appeal, the proposed amendment(s): a) ☑ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  The status of the claim(s) is (or will be) as follows:  Claim(s) allowed:  Claim(s) objected to:  Claim(s) rejected: 16, 18-20.  Claim(s) withdrawn from consideration:  AFFIDAVIT OR OTHER EVIDENCE</li> <li>The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).</li> <li>The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).</li> <li>The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.</li> <li>REQUEST FOR RECONSIDERATION/OTHER</li> <li>The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  // J Bret Dennison/</li> </ul>	·		ompliant Amendment (PTOL-324).
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		PTO/SB/08) Paper No(s)	
		/J Bret Dennison/	
			Jnit 2443

Continuation of 3. NOTE: The independent claim(s) include new limitations that appear to change the scope, thereby requiring further search and/or consideration.